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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,985	09/09/2003	Satyanarayan R. Panpaliya	CM05324J	1291
20576	7590	11/22/2004	EXAMINER	
MILLER JOHNSON SNELL CUMMISKEY, PLC 800 CALDER PLAZA BUILDING 250 MONROE AVE N W GRAND RAPIDS, MI 49503-2250			BURD, KEVIN MICHAEL	
			ART UNIT	PAPER NUMBER
			2631	

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/657,985

Applicant(s)

PANPALIYA ET AL.

Examiner

Kevin M. Burd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/03</u> . | 6) <input type="checkbox"/> Other: _____  |

***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 9/19/2003 is being considered by the examiner.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 4-10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Uddenfeldt et al (US 5,327,576).

Regarding claims 4-6, 9-11 and 13, Uddenfeldt discloses a communication system, which transmits radio signals, comprising a transmitting device the transmit bit rate information at time intervals to a receiver (column 3, lines 24-31). A receiver comprises a speech and channel coder (column 5, lines 19-28) and the output bit rates for the coders are derived from the bit error rate information (column 3, lines 24-31 and figure 5). The output bit rates are switched between a full rate and a half rate depending on the bit error rate.

Regarding claims 7 and 8, as shown in figure 5, the applying of new bit rates is continuous and depending on the bit error rate of the transmission, changes to the output bit rates will occur.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uddenfeldt et al (US 5,327,576) in view of Chin et al (US 6,778,556).

Regarding claims 1 and 3, Uddenfeldt discloses a communication system, which transmits radio signals, comprising a transmitting device the transmit bit rate information at time intervals to a receiver (column 3, lines 24-31). A receiver comprises a speech and channel coder (column 5, lines 19-28) and the output bit rates for the coders are derived from the bit error rate information (column 3, lines 24-31 and figure 5). The output bit rates are switched between a full rate and a half rate depending on the bit error rate. Uddenfeldt does not disclose a half duplex system for transmitting between the transmitter and receiver. Chin discloses it is well know to use half duplex transmissions in wireless communication (column 3, lines 33-54). It would have been obvious for one of ordinary skill in the art at the time of the invention to utilize the half duplex communication of Chin in the communication system of Uddenfeldt since half duplex systems maintain a low cost advantage (column 3, lines 56-59).

Regarding claim 2, the bit information is transmitted from the receiver to the transmitter in bits in the channel.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (US 5,706,282) in view of Chin et al (US 6,778,556).

Regarding claim 11, Chung discloses a communication system transmitting commands to control the power and bit rate of the system (column 5, lines 9-20). The power commands inherently affect the bit error rate (column 5, lines 19-20). Chung does not disclose a half duplex system for transmitting between the transmitter and receiver. Chin discloses it is well known to use half duplex transmissions in wireless communication (column 3, lines 33-54). It would have been obvious for one of ordinary skill in the art at the time of the invention to utilize the half duplex communication of Chin in the communication system of Chung since half duplex systems maintain a low cost advantage (column 3, lines 56-59).

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uddenfeldt et al (US 5,327,576) in view of Chung (US 5,706,282).

Regarding claim 12, Uddenfeldt discloses a communication system, which transmits radio signals, comprising a transmitting device that transmits bit rate information at time intervals to a receiver (column 3, lines 24-31). A receiver comprises a speech and channel coder (column 5, lines 19-28) and the output bit rates for the coders are derived from the bit error rate information (column 3, lines 24-31 and figure 5). The output bit rates are switched between a full rate and a half rate depending on the bit error rate. The transmitter includes an error correction coder (column 5, lines 13-16).

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Uddenfeldt does not disclose controlling the power output of the transmitter. Chung discloses a communication system transmitting commands to control the power of the system (column 5, lines 9-20). It would have been obvious for one of ordinary skill in the art at the time of the invention to include the power control system of Chung into the communication system of Uddenfeldt to control the channel capacity of the system (column 3, lines 4-10). Controlling the power will also reduce the affect of one user on other users in the system.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Burd whose telephone number is (571) 272-3008. The examiner can normally be reached on Monday - Thursday 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin M. Burd

11/18/2004

**KEVIN BURD  
PRIMARY EXAMINER**